

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

COURT FILE NO.: 1:17-cv-01869-SJ-RML

<p>MIKHAIL USHER USHER LAW GROUP, P.C.</p> <p>Plaintiffs,</p> <p>v.</p> <p>SHORE FUNDING SOLUTIONS INC.</p> <p>Defendants.</p>	<p>PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL PRODUCTION & EXTEND DISCOVERY END DATE</p>
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Pursuant to Federal Rule of Civil Procedure 37, Plaintiffs Mikhail Usher and Usher Law Group, P.C., through undersigned counsel, respectfully submit this memorandum in support of their motion to compel production. Defendant SHORE FUNDING SOLUTIONS, INC., was to have produced materials responsive to Plaintiffs' Interrogatories and Document Requests by December 17, 2017. Their failure to do so comes despite Plaintiffs efforts to obtain Defendant's discovery in a timely manner.

On November 10, 2017, Plaintiffs served Defendant with the following discovery requests:

- Plaintiff's First Request for Production of Document Demands
(See Exhibit 1)

- Plaintiff's First Request for Interrogatories

(See Exhibit 2)

Prior to serving discovery demands upon Defendant, undersigned counsel represented to Defendants' counsel that they should expect discovery demands shortly. Defendant's counsel stated that everything will be responded to. After the 30 day deadline had passed to receive responses to Plaintiffs' discovery demands, undersigned counsel attempted several times to reach out to Defendant's counsel by telephone, however to date the only response received from Defense counsel was that Defendant has not received any discovery demands from Plaintiff, despite no indication from the post office that any item was undeliverable. Defense counsel then asked for the request to be sent electronically, the request was met by undersigned counsel immediately. Since the forwarding of the discovery demands electronically 2 days ago, no response or communication has been received from Defense counsel despite numerous attempts by undersigned counsel to contact Defense counsel to discuss the matter and resolve it amicably.

Defendant's failure to comply with the discovery rules have forced Plaintiffs to seek the Court's intervention pursuant to Federal Rule of Civil Procedure 37(a)(1). Given the short amount of time available to comply with discovery deadlines in this case, Plaintiffs cannot indulge Defendants delay any further.

Plaintiff respectfully requests that the Court order Defendant to produce materials responsive to each of the Plaintiffs' outstanding discovery requests within two calendar days after entry of an Order by the Court, additionally granting an extension of time to complete discovery in light of Defendants' noncompliance.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court order that the Defendant produce all materials responsive to Plaintiff's First Request for Production of Document Demands and Plaintiff's First Request for Interrogatories within two calendar days after the entry of the Order on this Motion, and extend time to complete discovery.

Dated: January 26, 2018

Respectfully Submitted,

/s/ Nicholas Sarta

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